

**REMARKS**

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims and Explanation of Amendments

Claims 1-20 were pending.

By this paper, claims 1, 2, 4, 9, 10, 11, 13, 16 and 18 are amended, and claims 3, 5, 12 and 14 are cancelled without prejudice or disclaimer.

Various amendments are made to address matters of form. For example, claim 9 is amended to delete “an” in line 2 and to delete “in” in line 3. Claim 9 is amended to recite “a” in line 2 and to recite “an” in line 3. Claim 18 is amended to delete “an” and to recite “a” in line 2. These amendments are respectfully asserted to render moot the objections to these claims by the March 12, 2007 Office Action at page 2. Claim 16 is amended to delete “means” and to recite “unit.” The amendments to claims 9, 16 and 18 were not made for any substantive reason related to patentability (i.e., §§ 102, 103).

Among other amendments to these claims (set forth in full above) is the addition of a comparison step to claim 1:

“comparing, in a case where a request for remotely controlling the image pickup apparatus is received from one of the multiple external devices during the image pickup apparatus is controlled based on the schedule, a priority level of the requesting external device with the priority level of the set of control data used at the time when the request is received”

Similar amendments are made to independent claim 10.

Support for the amendments to claims 1, 2, 4, 9, 10, 11, 13, 16 and 18 may be found in the application as originally filed, including for example on page 16, line 16, to page 19, line 23.

No new matter will be added to this application by entry of these amendments.

The office action rejected claims 1-3, 8, 10-12, 17 and 19-20 under 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese Application Publication 2001-218194 A (“Kawai”). [3/12/2007 Office Action at p. 2]. The office action also rejected claims 4, 5, 13 and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawai. [3/12/2007 Office Action at p. 5]. Lastly, the office action rejected claims 6, 7, 9, 15, 16 and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawai in view of U.S. Patent No. 6,271,752 to Vaio (“Vaio”). [3/12/2007 Office Action at p. 6].

B. Claims 1, 2, 4, 6-11, 13 and 15-20 are Patentably Distinct from Kawai and Vaio

The rejections of claims 1, 2, 4, 6-11, 13 and 15-20 are respectfully traversed. As explained more fully below, Kawai and Vaio taken singly or in combination do not disclose “a comparison unit” as recited in Applicant’s claim 10.

Applicant’s claim 10 recites:

“10. An image delivery apparatus that delivers images acquired from an image pickup apparatus to at least one of multiple external devices, the image pickup apparatus being remotely controllable by the multiple external devices, the image delivery apparatus comprising:

a data storage medium that stores a schedule which includes one or more sets of control data to control the image pickup apparatus and a priority level of authorization to control the image pickup apparatus for each of the sets;

a schedule execution unit that starts control of the image pickup apparatus based on the schedule;

a comparison unit that compares, in a case where a request for remotely controlling the image pickup apparatus is received from one of the multiple external devices during the image pickup apparatus is controlled based on the schedule, the priority level of the requesting external device with the priority level of the set of control data used at the time when the request is received; and

a restriction unit that inhibits remote control of the image pickup apparatus by the requesting external device if the priority level of the set of control data is higher than the priority level of the requesting external device as a comparison result.”

Kawai is directed toward image pick-up equipment which allows a user to remotely control the image pick-up equipment and delivers animation from a video camera to multiple users. [Kawai, at ¶0001]. The image pick-up equipment, in part, contains an upload server process and an operation client process. [Kawai, at ¶0064]. The upload server process instructs the start and end of the video storage process and the uploading of recorded data to the web server apparatus. [See Kawai, at ¶¶0119-126, Figs. 4, 11, 14 & 16]. The operation client process arranges the actuation of the image pick-up equipment by a remote client or external device. [See Kawai, at ¶¶0085-0086].

Kawai’s upload server process has a priority level of privilege control connection, and the operation client process has a priority level of general control connection. [Kawai, at ¶0084]. Because the operation client process, as a whole, is given the priority level of general control connection, each client or external device is given the same general control connection priority level. [See Kawai, at Fig. 14]. Hence, each remote client or external device is not given a specific priority level. Thus, because each remote client or external device is given the same

priority level, Kawai does not disclose a comparison between the priority levels of each external device and the priority level of the operation client process. Therefore, Kawai does not teach, disclose or suggest “a comparison unit that compares, in a case where a request for remotely controlling the image pickup apparatus is received from one of the multiple external devices during the image pickup apparatus is controlled based on the schedule, the priority level of the requesting external device with the priority level of the set of control data used at the time when the request is received” as recited in Applicant’s claim 10.

The office action does not contend that Vaios teaches, discloses or suggests the “comparison unit” of Applicant’s claim 10. Vaios is directed to a security surveillance system that comprises, in pertinent part, a video camera and a motion sensor. [Vaios, col. 2, lines 24-27]. The video camera becomes active and a recorded image is stored whenever the motion sensor detects movement. [Vaios, col. 8, lines 36-47]. Vaios does not mention the priority level of the surveillance system or any of the remote end user locations. Accordingly, Applicant’s review of Vaios confirms that Vaios does not teach, disclose or suggests “a comparison unit that compares, in a case where a request for remotely controlling the image pickup apparatus is received from one of the multiple external devices during the image pickup apparatus is controlled based on the schedule, the priority level of the requesting external device with the priority level of the set of control data used at the time when the request is received” as recited in Applicant’s claim 10.

Accordingly, as Applicant cannot find element the “comparison unit” of claim 10 in Kawai or Vaios, at least independent claim 10 and its dependent claims 11, 13, 15-18 and 20 are respectfully asserted to be in condition for allowance. For at least similar reasons,

independent claim 1 and its dependent claims 2, 4, 6-9 and 19 are respectfully asserted to be in condition for allowance.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind documents cited by the office action or to otherwise submit evidence to traverse the rejection at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Appl. No. 10/671,901  
Paper dated June 11, 2007  
Reply to Office Action dated March 12, 2007

**CONCLUSION**

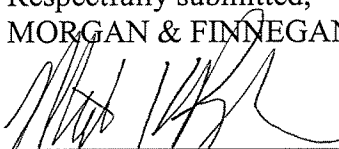
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5164.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: June 11, 2007

By: \_\_\_\_\_

  
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